

REMARKS

Applicants reply to the Restriction Requirement dated October 11, 2011, within one month. Reconsideration of the pending claims is requested. Support for the amendments may be found in the originally-filed specification. No new matter is entered with these amendments.

The Examiner asserts a Restriction Requirement under 35 U.S.C. §§ 121 requiring restriction of the application into two different Groups, namely:

Group I, claims 1-13, drawn to a method of preparing a differentiated cell.

Group II, claims 14-32,34 &45-51 drawn to a cell mixture of adipose derived precursor cell and a differentiated cell.

Group III, claims 33, 35-44, &52-54 drawn to a cell therapy.

Applicants elect Group I that consists of Claims 1-13 for prosecution in this application. Applicants elect Group I in order to expedite prosecution of this application.

Applicants do not acquiesce to the Examiner's foundation for the Restriction Requirement as set forth in the Office Action, but Applicants do not traverse. Accordingly, the foregoing election is made without waiver, estoppel or without prejudice to the filing of one or more related applications directed to the subject matter of withdrawn claims 14-54, if finally cancelled.

The foregoing amendments conforms this application to the Examiner's Restriction Requirement dated October 11, 2011. Applicants submit that the application is now in condition for examination on the merits. Early notification of such action is earnestly solicited. Should the Examiner have any suggestions to place the application in even better condition for allowance, Applicants request that the Examiner contact the undersigned representative at the telephone number listed below.

Respectfully submitted,

By: 

Howard I. Sobelman
Reg. No. 39,038

Dated: November 8, 2011

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